

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMES L. BROWN and ALICE
BROWN, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

ACCESS MIDSTREAM PARTNERS,
L.P., *et al.*,

Defendants.

No. 3:14-cv-0591-KM

THE SUESSENBACH FAMILY
LIMITED PARTNERSHIP, JAMES S.
SUESSENBACH, and GINA M.
SUESSENBACH, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

ACCESS MIDSTREAM PARTNERS,
L.P., *et al.*,

Defendants.

No. 3:14-cv-01197-KM

**JOINT STIPULATION TO HOLD A DECISION ON PLAINTIFFS’
MOTION FOR PARTIAL DISMISSAL IN ABEYANCE**

Counsel for Plaintiffs the Suessenbach Family Limited Partnership and Gina
M. Suessenbach (“Suessenbach Plaintiffs”) and Plaintiffs James Brown and Alice

Brown (“Brown Plaintiffs”) (collectively, “Plaintiffs”) and counsel for Defendants Chesapeake Energy Corporation (“Chesapeake”), Access Midstream Partners, L.P. (“Access Midstream”), and Domenic J. Dell’Osso, Jr. (“Dell’Osso”) (collectively, “Defendants”) hereby agree and stipulate as follows:

1. On April 18, 2024, Plaintiffs filed Motions for Partial Dismissal of Certain Claims Against Chesapeake Energy Corporation pursuant to Federal Rule of Civil Procedure 41(a)(2). *Suessenbach* ECF No. 182; *Brown* ECF No. 230 (collectively, “Motions for Partial Dismissal”).

2. On May 16, 2024, Chesapeake and Dell’Osso filed a Motion for Entry of an Order Enforcing the Confirmation Order and Plan Against the *Brown-Suessenbach* Plaintiffs (“Motion for Enforcement”) in the United States Bankruptcy Court for the Southern District of Texas, concerning Plaintiffs’ claims against Chesapeake and Dell’Osso in this action. *In re Chesapeake Exploration, LLC*, No. 20-33239 (Bankr. S.D. Tex. May 16, 2024) (ECF No. 622).

3. On the same day, Chesapeake and Dell’Osso filed their Briefs in Opposition to Plaintiffs’ Motions for Partial Dismissal in this Court, asking, *inter alia*, that the Court should defer a ruling on Plaintiffs’ Motions for Partial Dismissal until the Bankruptcy Court has adjudicated Chesapeake’s Motion for Enforcement. *Suessenbach* ECF No. 189, at 12; *Brown* ECF No. 240, at 12.

4. On the same day, Access Midstream concurrently filed its Brief in Opposition to the Motions for Partial Dismissal similarly asserting that this Court should defer a ruling on Plaintiffs' Motions for Partial Dismissal until the Bankruptcy Court has adjudicated Chesapeake's Motion for Enforcement or any similar motion that may be filed by Access Midstream. *Suessenbach* ECF No. 190, at 6; *Brown* ECF No. 241, at 6.

5. In an effort to streamline these proceedings, Plaintiffs will agree to Defendants' request that this Court defer a ruling on Plaintiffs' Motions for Partial Dismissal until the Bankruptcy Court has adjudicated Chesapeake's Motion for Enforcement. In doing so, Plaintiffs do not concede that the Bankruptcy Court has jurisdiction related to Plaintiffs' Motions for Partial Dismissal, nor do Plaintiffs waive or concede any arguments concerning the Motion for Enforcement filed in the Bankruptcy Court or Plaintiffs' Motions for Partial Dismissal filed in this Court.

6. Accordingly, Plaintiffs and Defendants hereby stipulate and jointly request that this Court hold a decision on Plaintiffs' Motions for Partial Dismissal in abeyance until the Bankruptcy Court has adjudicated Chesapeake's Motion for Enforcement.

Dated: May 29, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2024, a true and correct copy of the foregoing document was electronically filed with the Clerk of the Court, is available for viewing and downloading from the ECF system, and will be served by operation of the Court's electronic filing system (CM/ECF) upon all counsel of record.

/s/ Tyler S. Graden